

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION**

MID-PACIFIC REGION

**SOUTH-CENTRAL CALIFORNIA AREA OFFICE
FRESNO, CALIFORNIA**

Draft FINDING OF NO SIGNIFICANT IMPACT

**2009 WARREN ACT CONTRACT AND LICENSE WITH
DELTA LANDS RECLAMATION DISTRICT 770**

**Central Valley Project
Sacramento, California**

FONSI-09-18

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2009 Warren Act Contract and License with Delta Lands
Reclamation District 770

In accordance with the National Environment Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation,) has determined that an environmental impact statement is not required for the approval of a one year 2009 Warren Act contract and license with Delta Lands Reclamation District 770 (District). This Finding of No Significant Impact (FONSI) is supported by Reclamation's Environmental Assessment Number 09-18, *2009 Warren Act Contract and License with Delta Lands Reclamation District 770*, dated February 2009, and is hereby incorporated by reference.

Reclamation anticipates the District will conduct pump-ins when damaging floodwaters exist, which is expected to occur every three to four years on average. Therefore, a long-term contract is under negotiation. It is anticipated Reclamation and the District will enter into a long-term Warren Act contract and license. The negotiations for the long-term contract are ongoing.

It is not known whether the 2009 contract year will develop into a wet year and if potential flooding may occur. (The 2009 contract year spans from March 1, 2009 through February 28, 2010.) To be proactive the District has requested Reclamation execute a one year Warren Act contract and license with the District that will terminate no later than February 28, 2010 (Proposed Action). This FONSI is limited to the one year 2009 Warren Act contract and license. It is anticipated a separate FONSI will be prepared and completed for the long-term contract and license prior to March 1, 2010.

BACKGROUND

Reclamation's approval of the one year 2009 Warren Act contract and license will allow the District to introduce damaging floodwater from the Kings, Kaweah and Tule Rivers into the Friant-Kern Canal (FKC), a Central Valley Project (CVP) facility. The District needs the Warren Act contract to protect agricultural lands and public improvements in the Tulare Lakebed from damaging floodwaters. The District needs the license to store, operate, and maintain pumping facilities on federal lands owned by Reclamation along the FKC. The proposed one year license will permit the existing infrastructure to remain in place as well as the insertion of pumps and maintenance of equipment. The Kings and Tule River pump stations analyzed in the environmental assessment will be available for use however only the upstream pump station on the Kaweah River will be approved for use during 2009.

After conveyance in the FKC, the floodwater will be delivered to the Friant Division and/or Cross Valley contractors up to the amount they can put to beneficial use and the residual will be discharged into the Kern River. Coordination with the Kern River watermaster will occur to ensure the acceptance of this water into the Kern River prior to introducing to the FKC. Subsequent actions beyond the discharges to the Kern River are not within Reclamation's approval authority.

Damaging floodwater is defined for purposes of this FONSI as the flow from the Kings, Kaweah, and/or Tule Rivers that is in excess of the irrigation and spreading demand in the basins and would, in the absence of the project, cause flooding and potential damage in the Tulare Lakebed.

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings:

Findings

Water Resources

Damaging floodwater will be pumped into CVP facilities through existing structures only when capacity exists and at the discretion of Reclamation. Specific licenses for the storage, erection, operation and maintenance of the existing structures have been executed between the District and Reclamation in the past. Introduction of this damaging floodwater will not interfere with the normal operation of the FKC. The Proposed Action will not interfere with any CVP obligations to deliver water to other CVP contractors or fish and wildlife areas. Introductions of damaging floodwater in 2009 would be infrequent, intermittent, unreliable and small relative to existing river flows, water needs and operations.

There will potentially be a small (compared to the overall operations) improvement in flood control protection to the Tulare Lakebed and District operations due to the Proposed Action. The Proposed Action would not substantially alter existing drainage patterns or the beneficial aspects periodic flood flows have on channel morphology. The proposed project does not interfere with existing deliveries of water for environmental purposes in the Tulare Lakebed. The District would continue to coordinate and provide water to wetland areas in the vicinity of the Tulare Lakebed, as in the past, including providing water to restored wetlands.

The Proposed Action will not impact water quality in the rivers. Water quality is not affected by diversion of a portion of the river's flow. The damaging floodwater will not significantly degrade the quality of CVP water in the FKC due to the established monitoring program. At all times while damaging floodwaters are introduced into the FKC under the Warren Act contract, such water will comply with applicable water quality standards imposed by local, state and federal laws and regulations. The Warren Act contract provides for pumping to cease when the quality of the floodwater does not meet the applicable FKC water quality standards.

Groundwater recharge facilities in locations with desirable conditions and facilities could receive floodwater and alleviate some of the groundwater overdraft conditions. By providing surface water to over-drafted areas, the Proposed Action will provide an increment of benefit to water resources in the San Joaquin Valley. The availability of this floodwater will be unreliable and intermittent and its projected use will not contribute to significant impacts.

Land Use

The Proposed Action would not conflict with existing zoning for agricultural use or promote the conversion of farmland to non-agricultural use. Conveyance of the damaging floodwater would be infrequent, intermittent, unpredictable and small, relative to existing water needs and operations. Prevention of inundation of farmlands would not change rates of land conversion but would allow existing farmland to remain productive in years when flooding would have impacted productivity.

Introduction of the damaging floodwater into the FKC will not have any significant effect on unique geological or terrain features, such as wetlands, wild or scenic rivers, refuges, flood plains, rivers placed on the nationwide inventory, or prime and unique farmlands. No facilities will be constructed or modified. The Proposed Action will have a minor positive effect on land use.

Air Quality

The license issued by Reclamation stipulates that the District shall comply with all applicable air pollution laws and regulations of the United States, the State of California and local authorities. Electric and diesel-powered pumps would be used to pump water from the Kings, Kaweah and Tule Rivers. All of the District's diversion pumps have never been used simultaneously, their use is infrequent and use occurs during weather conditions unfavorable for ozone production. The Proposed Action will have not have a significant effect on air quality either singularly or cumulatively.

Noise

Due to the short term and intermittent nature of the Proposed Action and the lack of other noise sources other than normal agricultural machinery and an occasional vehicle driving along the FKC canal banks, there will be no singular or cumulative noise related impacts.

Biological Resources

The infrastructure required for the District to pump damaging floodwater from the Kings, Kaweah and Tule River systems is complete and operational, requiring no further construction that might affect biological resources. No ground disturbing activities would be associated with the operation and maintenance of the three pumping facilities. The license precludes the use of pesticides on the FKC right-of-way without prior written permission of Reclamation. Additionally, the license agreement includes requirements to install the portable pumps prior to the active period for valley elderberry longhorn beetle or as soon thereafter as possible at sites where pumps are within the protective zone around host plants.

The proposed project does not interfere with existing deliveries of water for environmental purposes in the Tulare Lakebed. The Proposed Action would only pump water from the Kings River when 3,200 cfs of water is being pumped south to Tulare Lakebed and flood flows north to the San Joaquin River have been maximized. No direct connections occur between existing wetlands and the Kaweah and Tule rivers downstream from the FKC.

Damaging floodwater would be delivered to Friant or Cross Valley contractors or discharged into the Kern River at the terminus of the FKC. The volume of introduced damaging floodwater would be small in relation to the large recharge capacity in the region, and the deliveries represent a minor component of the operations. The Proposed Action would not cause or attenuate flooding along the Kern River. Therefore, no adverse effects to biological resources are anticipated.

Cultural Resources

The infrastructure required for the District to pump damaging floodwater from the Kings, Kaweah and Tule River systems is complete and operational, requiring no further construction that might affect archaeological or historical resources. The introduction of damaging floodwater does not require new conveyance facilities, and flows within the facilities would not exceed capacity; therefore, archaeological and historic resources bordering these facilities would be unaffected. Damaging floodwater would be conveyed and disposed of within existing facilities and not materially impair archaeological or historical resources through demolition, destruction, relocation or alteration of these resources or their immediate surroundings. Because this action will not result in changes to the conveyance system or land use, the proposed action has no potential to affect historic properties pursuant to 36 CFR Part 800.3(a)(1).

Indian Trust Assets

The floodwater introduced into the FKC will be conveyed in existing facilities and will not result in impacts to Indian Trust Assets. The diversion of this floodwater from the Kings, Kaweah and/or Tule Rivers will not interfere with water deliveries, ceremonial activities or conclusion of water rights reviews for Indian Tribes.

Socio-economic Resources

No significant adverse effects on public health or safety will occur under the Proposed Action. The Proposed Action will protect existing agricultural lands, employment opportunities and business activity for the local agriculture-based economy on a short-term basis. Pumping the flood flows would provide an economic benefit to landowners in the Tulare Lake Basin. Reductions in costs for repairing public facilities, public services and emergency resources would also occur on a small local scale. The population and land conversion trends are expected to continue with or without implementing the Proposed Action. There will be no significant adverse social or economic affects.

Environmental Justice

The Proposed Action will protect existing agricultural lands and job opportunities to farm laborers. No changes to employment opportunities will occur for low income or disadvantaged populations.

Cumulative Effects

The Proposed Action would provide flood protection for the Tulare Lake Basin in addition to that provided by the enlargement of Terminus Dam. The Terminus Dam project will reduce periodic flood flows from reaching the Tulare Lakebed. The Corps determined that small flood events (less than 3.2-year events) would no longer flood the lakebed and larger events would be decreased in magnitude. The effects of these reductions were quantified by the Corps and Service, and it was determined that the primary project impacts resulted from reductions in the frequency, acreage and duration of the relatively frequent, smaller events occurring in the lakebed. Impacts stemming from enlarging Terminus Dam have been fully mitigated.

In years when damaging flows threaten the Tulare Lakebed, more than a thousand acres of flooded mitigation habitat will be provided for water birds. Damaging floodwater pump-ins by the District would not contribute significant cumulative impacts to water birds within the Tulare Lakebed. Pump-ins by the District have occurred since 1978 and represent the existing conditions within the Tulare Lakebed during infrequent major flood events. Flood flows into the Tulare Lakebed will still occur from the Tule and Kings rivers with an anticipated magnitude similar to past events when floodwater was pumped.

No construction would be required by the action, nor would the number of pump stations or engines increase. The existing portable diesel pumps are already accounted for in the current emission inventory. Therefore, Proposed Action would not cumulatively affect air quality.

The Proposed Action would be compliant with Fresno and Tulare County ordinances, regulated, intermittent and short-term and would not contribute to cumulative impacts from noise.

The January 19, 2001 BO on the continued operation of the CVP addressed CVP operational threats to special-status species. The Service stated in that BO that Reclamation's ESA compliance strategy is intended to minimize further losses within the CVP service areas and to offset effects from ongoing CVP operations. The contribution of the Proposed Action to these operations is

anticipated to be negligible, and future conditions for listed or proposed species would not be expected to differ significantly, with or without the Proposed Action.

The Proposed Action does not require new facilities or infrastructure, and would not contribute to cumulative impacts to archaeological, historical resources, Indian Trust Assets or employment opportunities for low-income or disadvantaged populations.

The availability of this damaging floodwater is infrequent, unreliable and small compared to the existing water demand. The Proposed Action would not provide reliable water supplies that would support growth nor contribute to cumulative impacts on population or housing.

The Proposed Action does not set a precedent for flood control operations and introductions into the FKC. The Proposed Action has no negative effect on socioeconomic resources and has a small positive effect. The cost for emergency services might be reduced. However, this benefit would be on a small scale and is contingent upon available capacity in the FKC and the ability to dispose of damaging floodwater. Therefore, the Proposed Action would not contribute to major cumulative effects to socioeconomic conditions or resources.